

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1613.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SORGHUM SYRUP.

On January 26, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55 cases, 30 of which contained 24 unit packages, 15 of which contained 12 unit packages, and 10 of which contained 6 unit packages, of syrup, remaining unsold in the original unbroken packages and in possession of H. P. Lau Co. (Inc.), Lincoln, Nebr., alleging that the product had been shipped on or about December 5, 1911, by Oelerich & Berry Co., Chicago, Ill., and transported from the State of Illinois into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act. The product was labeled, in part: "Greenfield Brand Compound Sorghum. Packed for H. P. Lau Company, Lincoln, Neb.", and "Compound. 40% Sorghum. 60% Corn Syrup."

Misbranding was alleged in the libel for the reason that the principal and most conspicuous label on each of the packages of the product, to wit, "Greenfield Brand Compound Sorghum, Packed for H. P. Lau Company, Lincoln, Neb." was misleading in that it conveyed the impression to purchasers that the product consisted chiefly of sorghum syrup, whereas, in fact, it contained but 40 per cent of sorghum and did contain 60 per cent of corn syrup.

On March 5, 1912, the Oelerich & Berry Co., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that, upon payment of all costs by said claimant and the execution and delivery of bond by it in conformity with section 10 of the Act, the product should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 19, 1912.